

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tileyah Williams	Team: Squad #6	CCRB Case #: 202201968	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/22/2022 4:45 PM, Tuesday, 03/22/2022 5:00 PM, Tuesday, 03/22/2022 5:30 PM, Tuesday, 03/22/2022 6:00 PM, Tuesday, 03/22/2022 8:5	Location of Incident: § 87(2)(b) 23rd Precinct stationhouse, § 87(2)(b) MCB § 87(2)(b)	Precinct: 23	18 Mo. SOL 9/22/2023	EO SOL 9/22/2023	
Date/Time CV Reported Thu, 03/24/2022 12:15 AM	CV Reported At: IAB	How CV Reported: E-mail	Date/Time Received at CCRB Tue, 03/29/2022 8:45 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Daniel Cody	02277	954648	023 PCT
2. PO Guo Chu	16954	959550	023 PCT
3. PO Zhora Arustamyan	22327	968248	023 PCT
4. SGT Nestor Beaume	00433	932310	023 PCT
5. Officers			023 PCT
6. An officer			023 PCT
7. PO Colleen Willis	07822	964838	023 PCT
8. PO Nicholas Henry	07642	941891	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Steve Sanchez	13400	966833	023 PCT
2. SGT Jaime Feliciano	04712	922330	CMD LVL TRN
3. SGT James Walsh	04503	951414	023 PCT
4. PO Jarree Jones	22918	962505	023 PCT
5. LT Daniel Talleyrand	00000	947531	023 PCT
6. SGT Julio Santana	03166	937485	023 PCT
7. SGT Daniel Levy	01251	955060	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Nicholas Henry	Abuse: On March 22, 2022, in front of § 87(2)(b) in Manhattan, Police Officer Nicholas Henry strip-searched § 87(2)(b)	§ 87(2)(b)
B. PO Colleen Willis	Force: On March 22, 2022, en route to the 23rd Precinct, Police Officer Colleen Willis used physical force against § 87(2)(b)	§ 87(2)(b)
C. PO Colleen Willis	Force: On March 22, 2022, en route to the 23rd Precinct, Police Officer Colleen Willis restricted § 87(2)(b) breathing.	§ 87(2)(b)
D. PO Colleen Willis	Abuse: On March 22, 2022, in front of § 87(2)(b) in Manhattan, Police Officer Colleen Willis threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
E.SGT Daniel Cody	Force: On March 22, 2022, en route to the 23rd Precinct, Sergeant Daniel Cody restricted § 87(2)(b) breathing.	
F.SGT Nestor Beaume	Off. Language: On March 22, 2022, at the 23rd Precinct, Sergeant Nestor Beaume made remarks based on § 87(2)(b) gender identity.	
G.SGT Nestor Beaume	Discourtesy: On March 22, 2022, at the 23rd Precinct, Sergeant Nestor Beaume spoke discourteously to § 87(2)(b)	
H.SGT Nestor Beaume	Abuse: On March 22, 2022, at the 23rd Precinct, Sergeant Nestor Beaume forcibly removed § 87(2)(b) to the hospital.	
I.PO Colleen Willis	Discourtesy: On March 22, 2022, at the 23rd Precinct, Police Officer Colleen Willis acted discourteously toward § 87(2)(b)	
J.SGT Daniel Cody	Off. Language: On March 22, 2022, outside of § 87(2)(b) Sergeant Daniel Cody spoke offensively regarding § 87(2)(b) actual or perceived disability.	
K.SGT Daniel Cody	Discourtesy: On March 22, 2022, outside of § 87(2)(b) Sergeant Daniel Cody spoke discourteously to § 87(2)(b)	
L. Officers	Force: On March 22, 2022, at § 87(2)(b) in Manhattan, officers used physical force against § 87(2)(b)	
M.PO Colleen Willis	Force: On March 22, 2022, at § 87(2)(b) in Manhattan, Police Officer Colleen Willis used physical force against § 87(2)(b)	
N.PO Zhora Arustamyan	Force: On March 22, 2022, at the 23rd Precinct stationhouse, Police Officer Zhora Arustamyan used physical force against § 87(2)(b)	
O.PO Guo Chu	Force: On March 23, 2022, at 100 Centre Street in Manhattan, Police Officer Guo Chu used a chokehold against § 87(2)(b)	
P.PO Guo Chu	Force: On March 23, 2022, at 100 Centre Street in Manhattan, Police Officer Guo Chu restricted § 87(2)(b) breathing.	
Q. An officer	Force: On March 23, 2022, at § 87(2)(b) in Manhattan, an officer used physical force against § 87(2)(b)	

Case Summary

On March 24, 2022, § 87(2)(b) filed this complaint with IAB, generating log § 87(2)(b)

On March 22, 2022, at approximately 4:45pm, Police Officer Zhora Arustamyan, Police Officer Nicholas Henry, Police Officer Colleen Willis, Sergeant Daniel Cody and additional officers of the 23rd Precinct arrived outside of § 87(2)(b) in Manhattan, for a dispute between § 87(2)(b) and § 87(2)(b). Officers arrested and then escorted § 87(2)(b) to their marked police vehicle. Near the police vehicle PO Henry allegedly pulled her pants down and searched her (**Allegation A: Abuse of Authority**, § 87(2)(g)). While inside of the police vehicle, PO Willis entered the patrol vehicle and allegedly pushed and held § 87(2)(b) head down until she could not breathe and told § 87(2)(b) that she would punch her in the face (**Allegations B and C: Force**, § 87(2)(g)) and (**Allegation D: Abuse of Authority**, § 87(2)(g)). Sgt. Cody held onto the back of § 87(2)(b) neck when attempting to make her sit still (**Allegation E: Force**, § 87(2)(g)).

Soon after § 87(2)(b) arrived at the stationhouse, Sgt. Beaume instructed officers to remove “him” to the hospital, referring to § 87(2)(b) (**Allegation F: Offensive language**, § 87(2)(g)). (**Allegation G: Discourtesy**, § 87(2)(g)) and (**Allegation H: Abuse of Authority**, § 87(2)(g)). PO Willis picked § 87(2)(b) up by her ankle shackles to remove her (**Allegation I: Discourtesy**, § 87(2)(g)). § 87(2)(b) girlfriend, § 87(2)(b) arrived while they removed § 87(2)(b) and Sgt. Cody told her that § 87(2)(b) was psychotic (**Allegation J: Offensive language**, § 87(2)(g)) and (**Allegation K: Discourtesy**, § 87(2)(g)). While § 87(2)(b) was at the hospital, she left her room and officers allegedly dragged her back to the room, at which point PO Willis put all of her body weight on § 87(2)(b) legs, grabbed her by the arm and slapped her (**Allegation L: Force**, § 87(2)(g)) and (**Allegation M: Force**, § 87(2)(g)).

When § 87(2)(b) arrived back at the stationhouse, she had a dispute with PO Arustamyan about calling her mother and PO Arustamyan conducted a forcible takedown (**Allegation N: Force**, § 87(2)(g)). Police Officer Guo Chu and Police Officer Christian Sanchez escorted § 87(2)(b) to Manhattan Central Booking where PO Chu allegedly grabbed § 87(2)(b) by her neck and pushed her into a seat (**Allegations O and P: Force**, § 87(2)(g)). PO Chu and PO Sanchez escorted § 87(2)(b) to § 87(2)(b) and an officer allegedly grabbed § 87(2)(b) by her arm and swung her, causing her to hit her head on a seat at the hospital (**Allegation Q: Force**, § 87(2)(g)). § 87(2)(b) was transported back to the stationhouse.

§ 87(2)(b) was arrested for petit larceny, acting in a manner which would injure a child, menacing with a weapon in the second degree and criminal possession of a weapon. A spin off was generated to IAB for officers not allowing her to use the restroom while in police custody.

The investigation received body-worn camera (BWC) videos from all officers who responded, except for PO Willis. (**01, 02, 03, 04, 05 Board Review**),

Allegation (A) Abuse of Authority: On March 22, 2022, in front of § 87(2)(b) in Manhattan, Police Officer Nicholas Henry strip-searched § 87(2)(b)

NYPD EVENT § 87(2)(b) notes that an individual called 911 and reported that they were being chased with a knife (08 Board Review). The radio communications records the central dispatcher telling officers that there was a male at the location being chased with a knife (09 Board Review).

§ 87(2)(b) testified that at approximately 3 p.m., she was at the apartment of the mother of her girlfriend, § 87(2)(b) at § 87(2)(b) in Manhattan (06 Board Review). § 87(2)(b) got into a physical dispute with § 87(2)(b) sister, § 87(2)(b) § 87(2)(b) threatened § 87(2)(b) with a knife, at which point § 87(2)(b) called 911. Shortly after officers responded, § 87(2)(b) was arrested. Near the transporting vehicle, PO Henry attempted to get the phone from § 87(2)(b) pocket. § 87(2)(b) felt uncomfortable that he was digging in her pocket, so she moved her hips away from his hands. Officers lifted § 87(2)(b) into the air, holding her torso and legs up in a lying position, while PO Henry went through her pocket. § 87(2)(b) noted in her initial complaint that officers pulled her pants down (07 Board Review). Officers carried § 87(2)(b) to a police car and put her in the back (06 Board Review).

PO Henry's first BWC recording shows that at 1:11 minutes, § 87(2)(b) is wearing a gray loose-fitting sweatsuit with a hood over her head (02 Board Review). The view does not show whether her pants are on her waist, but no undergarment is exposed. At 5:19 minutes, PO Jones, Sgt. Cody and PO Henry approach and stand in front of § 87(2)(b) as PO Arustamyan places her in handcuffs. At 5:47 minutes, PO Jones bends down toward the back of § 87(2)(b) and she moves the bottom half of her body toward the ground while telling officers not to go in her pockets. At 5:51 minutes, when § 87(2)(b) kicks her feet out, Sgt. Cody catches her legs and holds them horizontally. The view shows that her sweatpants are a few inches from her waist, revealing colorful leggings. PO Henry puts his hand into § 87(2)(b) right sweatpants pocket and removes the contents of the pocket, including a cell phone. § 87(2)(b) is now facing downward, while Sgt. Cody maintains a hold of her legs. At 5:58 minutes, as PO Henry continues to search her pockets, § 87(2)(b) sweatpants move further down her thighs and below her buttocks. Her colorful leggings are more exposed. Officers stand § 87(2)(b) up at 6:24 minutes and PO Henry pulls up her pants at 6:50 minutes, one minute after her leggings were first revealed.

PO Henry testified that he needed to search § 87(2)(b) because the assignment came over the radio as a dispute with a knife (10 Board Review). He needed to make sure that § 87(2)(b) did not have any weapons before they removed her to the stationhouse. PO Henry did not recall when he first saw § 87(2)(b) tights but believed that they became visible when she kicked and resisted the search. Officers held her legs when she kicked and at that point, her sweatpants moved down. He did not see any officers do anything to intentionally get § 87(2)(b) pants down and he did not do anything intentional to get her pants down. While he searched her pants pockets, he did not see her pants go down because he was focused on the search. He first noticed the pants were down right before he walked to her and pulled them up.

§ 87(2)(b) testified that during the arrest, her pants were pulled down. The BWC shows that prior to officers interacting with § 87(2)(b) her loose-fitting pants were not on her waist. Her pants only became visible to BWC once she resisted officers searching her pockets. PO Henry does move her pants further down as he searched her pockets, but he testified that it was not intentional. He also noted that he pulled her pants up as soon as he noticed that they were down. The investigation determined by a preponderance of the evidence that § 87(2)(b) leggings were initially exposed when she started kicking and that no one pulled them down.

The investigation was unable to determine whether PO Henry accidentally pulled § 87(2)(b) pants down further during the search and whether he had just seen them down, one minute later, when he picked them up. § 87(2)(g)

Allegation (B) Force: On March 22, 2022, in front of § 87(2)(b) in Manhattan, Police Officer Colleen Willis used physical force against § 87(2)(b)

Allegation (C) Force: On March 22, 2022, en route to the 23rd Precinct, Police Officer Colleen Willis restricted § 87(2)(b) breathing.

Allegation (D) Force: On March 22, 2022, in front of § 87(2)(b) in Manhattan, Police Officer Colleen Willis threatened § 87(2)(b) with the use of force.

Allegation (E) Force: On March 22, 2022, en route to the 23rd Precinct, Sergeant Daniel Cody restricted § 87(2)(b) breathing.

Sgt. Cody's BWC recording shows that at 11:30 minutes, § 87(2)(b) is in the back seat of the car with him and explains to Sgt. Cody that § 87(2)(b) will not be able to pay for her cab (03 Board Review). Sgt. Cody says that § 87(2)(b) was getting arrested. § 87(2)(b) yells and jerks her body toward Sgt. Cody to correct him, that § 87(2)(b) was not being arrested. Sgt. Cody touches § 87(2)(b) left arm and § 87(2)(b) yells for him not to touch her. § 87(2)(b) yells aloud and kicks her right leg into the front passenger seat and her left leg into Sgt. Cody's legs. PO Willis turns from the front passenger seat and holds § 87(2)(b) legs. At 12:05 minutes, § 87(2)(b) repeatedly hits her right elbow into the car door. She continues to kick, and her body slides down off the seats and toward the floor of the car. Sgt. Cody and one of PO Willis' hands holds § 87(2)(b) legs. At 12:49, PO Willis tells § 87(2)(b) "I will punch you dead in your face, I'm not even kidding, don't do it." At 12:58 minutes, Sgt. Cody tells § 87(2)(b) to stop but the view does not show what she does. At 12:59 minutes, § 87(2)(b) head moves from the door of the car toward Sgt. Cody and there is an unseen scuffle between § 87(2)(b) and officers. Sgt. Cody holds the back of § 87(2)(b) neck with his open palm and right thumb wrapped toward the right side. § 87(2)(b) says that she cannot breathe and is on her knees on the car floor, facing the back of the car. At 13 minutes, PO Willis touches § 87(2)(b) handcuffed wrists, as they move toward the front of her body. § 87(2)(b) yells, "Ouch", but it is not clear what PO Willis is doing with the handcuffs. Sgt. Cody moves one of PO Willis' hands off § 87(2)(b) handcuffs. Sgt. Cody holds § 87(2)(b) by her right elbow while she continues to say that she cannot breathe. PO Willis has one of her arms contacting an unknown part of the back of § 87(2)(b) lower body. At 13:25 minutes, Sgt. Cody's other hand is on the top back of § 87(2)(b) head. § 87(2)(b) lifts her head at 13:39 minutes and Sgt. Cody holds her elbow with both of his hands. § 87(2)(b) repeats that she cannot breathe and that she did not want the officers touching her. At 14:09 minutes, the BWC angle shows that PO Willis is holding her handcuffed hands and by 14:30, they arrive at the stationhouse.

Though not alleged by a civilian, based on BWC footage, an allegation of threat of force against PO Willis was pleaded.

§ 87(2)(b) testified that when she was put into the police car, Sgt. Cody got into the back seat with her (06 Board Review). She asked Sgt. Cody to give her wallet to § 87(2)(b) but since he did not know where she was, § 87(2)(b) jumped out of her seat and attempted to point to § 87(2)(b) with her elbow. PO Willis, who was in the front passenger seat, reached back and pushed § 87(2)(b) head down, so that she was between the side of the seat and the center console. § 87(2)(b) legs were against her chest and PO Willis pushed down on § 87(2)(b) back. § 87(2)(b) told PO Willis that she had asthma and could not breathe, and she attempted to push back against PO Willis so she could sit up, but PO Willis held her down for approximately five minutes until they got to the stationhouse.

§ 87(2)(b) did not testify to the threat of force statement made by PO Willis.

PO Willis testified that after § 87(2)(b) started kicking, she told § 87(2)(b) that she would punch her in the face because § 87(2)(b) physically fought the officers, had compromised their safety,

elbowed PO Willis and almost kicked PO Arustamyan (the driver). Since there was no partition cage in the car and as PO Willis tried to stop § 87(2)(b) from kicking, § 87(2)(b) pulled at PO Willis' arm and pinched her so that she could be let go (11 Board Review). In an attempt to keep § 87(2)(b) from elbowing her or further kicking Sgt. Cody or PO Arustamyan, she told § 87(2)(b) that she would punch her. She did not punch § 87(2)(b) because it did not escalate to that point. PO Willis also noted that at some point before she made the statement, § 87(2)(b) made a phlegm sound with her throat and moved her mouth as if she were going to spit at PO Willis. PO Willis did not know why § 87(2)(b) was saying that she could not breathe.

Sgt. Cody's testimony regarding § 87(2)(b) actions were consistent with his BWC recording (12 Board Review). He said that after § 87(2)(b) started kicking and banging her elbow against the door, he held the back of § 87(2)(b) head to restrain and control her and keep her from hurting him or herself. He did not apply any pressure to her neck and nor did he do anything to restrict her breathing and neither did PO Willis.

BWC footage contradicts § 87(2)(b) testimony that PO Willis pushed § 87(2)(b) head down, restricting her breathing. Instead, the BWC shows that PO Willis only held § 87(2)(b) legs down to prevent her from kicking. § 87(2)(g)

PO Willis said that she threatened to punch § 87(2)(b) in the face because § 87(2)(b) fought officers and when she tried to restrain her, § 87(2)(b) pinched her arm. The BWC angle shows that when PO Willis made this statement, she used one of her hands with Sgt. Cody to hold § 87(2)(b) legs. § 87(2)(b) was not moving her legs at this time. The angle of footage did not show the rest of § 87(2)(b) body nor what, if anything, she did to PO Willis' other arm, which was not in view. § 87(2)(g)

The footage showed that Sgt. Cody had his hand on the back of § 87(2)(b) neck. However, it is disputed whether his hand was on his neck to hold her in place to hold her due to her active resistance, as Sgt. Cody testified, or if pressure was applied, as § 87(2)(b) alleged. § 87(2)(g)

Allegation (F) Offensive Language: On March 22, 2022, at the 23rd Precinct, Sergeant Nestor Beaume made remarks based on § 87(2)(b) gender identity.

Allegation (G) Discourtesy: On March 22, 2022, at the 23rd Precinct, Sergeant Nestor Beaume spoke discourteously to § 87(2)(b)

Allegation (H) Offensive Language: On March 22, 2022, at the 23rd Precinct, Sergeant Nestor Beaume forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) testified that once she was inside the stationhouse, an ambulance arrived and EMTs checked her vitals in the cells (06 Board Review). Sgt. Beaume, who was sitting at the desk, told the officers, "Take him to psych," referring to § 87(2)(b). § 87(2)(b) was offended that Sgt. Nestor misgendered her, though she was unsure whether he knew her pedigree information and had not told Sgt. Beaume her gender or preferred pronouns. She noted that she was dressed like a boy. Officers removed § 87(2)(b) to § 87(2)(b).

PO Jones' second BWC video records that at 1:00 minute, § 87(2)(b) is wearing a balaclava hat over her mouth and yells that if she is not allowed to speak with her mom at that moment, then she will not go to the hospital (04 Board Review). They are inside of the stationhouse near the entrance and two paramedics are standing nearby. Sgt. Beaume is heard in the background saying, "Take him to psych." At 1:22 minutes, as officers escort § 87(2)(b) out of the stationhouse, she drops herself to the floor and says that she does not want to go to the hospital. Officers proceed to remove her to the hospital.

Sgt. Beaume testified that he had § 87(2)(b) removed to the hospital because she was emotional, yelling, changing her decision about wanting to go to the hospital, and since she had her face covered when she previously said that she had asthma and could not breathe (13 Board Review). After listening to PO Jones' BWC recording, Sgt. Beaume maintained that he said, "take her to psych." He noted at this point, he knew that § 87(2)(b) was a female. The investigation noted that throughout his CCRB interview, Sgt. Beaume referred to § 87(2)(b) as a male at least twice, saying he at 4:13 minutes and him at 4:45 minutes.

Members of service should address the public using pronouns, titles of respect and preferred name appropriate to the individual's gender identity/ expression as expressed by the individual Administrative Guide 304-06 (15 Board Review).

PO Sealy heard Sgt. Beaume say, "take him to psych" and that is what it sounds like on PO Jones' BWC recording but Sgt. Beaume says that he said, "her." In considering the Administrative Guide and § 87(2)(b) statement, § 87(2)(b) was "dressed like a boy," by her own testimony, did not tell Sgt. Beaume her preferred pronouns and so although Sgt. Beaume said that § 87(2)(b) appeared to be a woman, he could not have been sure. Sgt. Beaume referred to § 87(2)(b) as he and him during his interview § 87(2)(g)

An emotionally disturbed person is a person who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others NYPD Patrol Guide Procedure 221-13 (14 Board Review). Emotionally disturbed individuals should be removed to the hospital in an ambulance.

Sgt. Beaume explained that he had § 87(2)(b) removed to the hospital because she yelled, changed her decision multiple times about wanting to go to the hospital and since she mentioned having asthma and not being able to breathe. The BWC showed that § 87(2)(b) did complain that she could not breathe § 87(2)(g)

Allegation (I) Discourtesy: On March 22, 2022, at the 23rd Precinct, Police Officer Colleen Willis acted discourteously toward § 87(2)(b)

Allegation (J) Offensive Language: On March 22, 2022, outside of § 87(2)(b) Sergeant Daniel Cody spoke offensively regarding § 87(2)(b) actual or perceived disability.

Allegation (K) Discourtesy: On March 22, 2022, outside of § 87(2)(b) Sergeant Daniel Cody spoke discourteously to § 87(2)(b)

PO Jones' second BWC recording shows that at 1:23 minutes, after § 87(2)(b) bends her knees, drops her body to the floor and says that she does not want to go to the hospital, PO Willis picks her up by holding the chain of her ankle shackles (04 Board Review). PO Willis holds § 87(2)(b)

horizontally by her ankle shackles from 1:26 minutes to 1:32 minutes while she walks her to a seated stretcher. § 87(2)(b) yelled out in pain during this time.

Sgt. Cody's third BWC recording shows that at 1:30 minutes, he walks out of the stationhouse, while § 87(2)(b) is being removed to the hospital (05 Board Review). § 87(2)(b) girlfriend, § 87(2)(b) was outside the station house. At 2:49 minutes, Sgt. Cody approaches § 87(2)(b) who says that she needs to know where § 87(2)(b) is going. Sgt. Cody says that § 87(2)(b) is going to the hospital because she is psychotic.

§ 87(2)(b) testified that after Sgt. Beaune told officers to remove § 87(2)(b) to the hospital, PO Willis and PO Jones picked her up by her arms and legs and carried her out to the ambulance (06 Board Review). § 87(2)(b) did not know why she was being carried and tried to grab onto a door frame from behind her while she was in handcuffs. Once outside, the EMTs put § 87(2)(b) into an orange chair with wheels on it. PO Jones rode in the ambulance with § 87(2)(b) to the hospital and helped her call her mother on the way there. § 87(2)(b) became unavailable, and the investigation was unable to obtain her medical records.

§ 87(2)(b) did not testify to these allegations, and they are being pled based on BWC footage.

PO Willis testified that she carried § 87(2)(b) by her ankle shackles because they had been dealing with § 87(2)(b) for 30 minutes during which she was actively kicking officers and fought throughout the incident (11 Board Review). PO Willis said that if she did not grab § 87(2)(b) legs, she would have kicked EMTs and officers.

Sgt. Cody testified that he was describing § 87(2)(b) behavior as psychotic because she tried to hurt herself in his vehicle and had kicked him (12 Board Review).

Members of service must value human life, respect the dignity of each individual and render services with curiosity and civility NYPD Patrol Guide Procedure 200-02 (16 Board Review). Using discourteous or disrespectful remarks regarding another person's age, ethnicity, race, gender, sexual orientation, or disability is prohibited Administrative Guide 304-06 (15 Board Review).

PO Willis said that she picked § 87(2)(b) up and carried her by her ankle shackles because of § 87(2)(b) behavior, including that she was kicking officers at that point. The BWC shows that § 87(2)(b) bent her knees and had dropped her body down to the floor, and that she was not kicking officers. § 87(2)(g)

Though Sgt. Cody testified that he was describing § 87(2)(b) behavior as psychotic, § 87(2)(g)

Allegation (L) Force: On March 22, 2022, at § 87(2)(b) in Manhattan, officers used physical force against § 87(2)(b)

Allegation (M) Force: On March 22, 2022, at § 87(2)(b) in Manhattan, Police Officer Colleen Willis used physical force against § 87(2)(b)

§ 87(2)(b) testified that while she was at § 87(2)(b) PO Jones left only one of § 87(2)(b) arms handcuffed to the stretcher (06 Board Review). At one point, § 87(2)(b) was in the

room by herself when she heard her mother's voice and slipped out of the handcuff. She left the room to see her mom and the officers grabbed § 87(2)(b) by her arms and legs and dragged her back into the room. Once in the room, PO Willis put her entire weight onto § 87(2)(b) shins causing her pain. § 87(2)(b) sat up and was able to get PO Willis off her and PO Willis held § 87(2)(b) arms and slapped § 87(2)(b). § 87(2)(b) fell and asked the doctors why they let PO Willis slap her.

The investigation did not obtain footage of this portion of the incident.

PO Willis said that she rode in a police vehicle and escorted the ambulance to the hospital (11 Board Review). PO Jones rode in the ambulance and PO Willis did not remember whether there was an officer in the vehicle with her. When they arrived at the hospital, there were more officers than PO Jones escorting § 87(2)(b) in the hospital. § 87(2)(b) did not know their identities. PO Willis remembered that § 87(2)(b) actively resisted walking outside of the hospital, by flailing her arms and acting like dead weight to make it difficult to escort her to the psych ward. PO Willis did not have any contact with § 87(2)(b). PO Willis went into the hospital but did not remember how long she stayed and whether she remained there until § 87(2)(b) went back to the stationhouse. She did not recall whether the additional officers remained. PO Willis denied dragging § 87(2)(b) into her hospital room and did not see other officers do so. It did not sound familiar to her that § 87(2)(b) got out of her handcuffs. She did not put her full body weight on § 87(2)(b) shins and legs and did not see any other officer do this. She did not slap § 87(2)(b) and did not see another officer do this.

PO Jones recalled that he was the only officer that initially stayed with § 87(2)(b) in the hospital (17 Board Review). He knew that when he first arrived, Sgt. Cody and PO Willis were outside of the hospital but that they left shortly after that. At some point, an unknown officer relieved him so that he could go back to his assignment. He did not remember dragging § 87(2)(b) to her room and did not see another officer do this. He denied seeing any officers put their weight on § 87(2)(b) and slap her.

The command log notes that PO Willis and PO Jones escorted § 87(2)(b) to § 87(2)(b) (18 Board Review). There are no other police documents which note additional officers escorting her.

§ 87(2)(b) said that officers dragged her back to her room but could not identify the officers who did so. Neither PO Willis nor PO Jones were able to recall which if any additional officers were at the hospital with § 87(2)(b) and they either denied or did not recall dragging her. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) testified that PO Willis placed all her body weight on her legs and slapped her, but PO Willis denied doing this and PO Jones said that he did not see any officers do it. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (N) Force: On March 22, 2022, at the 23rd Precinct stationhouse, Police Officer Zhora Arustamyan used physical force against § 87(2)(b)

§ 87(2)(b) said that after she was transported back to the stationhouse, and uncuffed, PO

Arustamyan allowed her to call her mother, but put the phone on speakerphone and held it (06 Board Review). As § 87(2)(b) explained the officers using force against her, PO Arustamyan continuously muted the phone and § 87(2)(b) tried to grab the phone. Approximately three or four officers tackled § 87(2)(b) § 87(2)(b) pushed PO Willis and “squared up” with her. An officer grabbed § 87(2)(b) and sat her down.

The investigation could not obtain stationhouse footage because it expired.

TRI § 87(2)(b) completed by Sgt. Cody notes that PO Arustamyan allowed § 87(2)(b) to make a phone call but she wanted to do so in private (19 Board Review). When PO Arustamyan refused to allow her to do this, § 87(2)(b) refused to go in her cell and PO Arustamyan had to take § 87(2)(b) down to overcome her resistance and get her back in the cell.

PO Arustamyan recalled that when he allowed § 87(2)(b) to use his phone in the cells, she wanted him to leave her with it and he refused (20 Board Review). He and § 87(2)(b) then physically tussled with the phone back and forth and at some point, § 87(2)(b) fell on top of PO Arustamyan’s arm. Unidentified officers arrived in the cells and helped him and § 87(2)(b) up. Officers put her back into the cell, but PO Arustamyan could not recall officers using any force to do this. He reviewed the TRI but could not remember forcibly taking § 87(2)(b) down. He did not remember himself nor any other officers tackling § 87(2)(b) (21 Board Review).

Sgt. Cody did not witness the incident but said that he reviewed stationhouse footage on that day (12 Board Review). He knew that three to four officers did not tackle § 87(2)(b) but could not recall the details of PO Arustamyan’s takedown. PO Arustamyan was the only officer in the cells at that time and no other officers went in to help him.

PO Willis denied being present (11 Board Review). PO Henry and PO Jones also denied being present (10, 11).

§ 87(2)(b) said that three to four officers tackled her, but PO Arustamyan did not recall this, and Sgt. Cody said that it did not happen. Given that the investigation does not have any video evidence to corroborate any version of the events § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

Allegation (O) Force: On March 23, 2022, at 100 Centre Street in Manhattan, Police Officer Guo Chu used a chokehold against § 87(2)(b)

Allegation (P) Force: On March 23, 2022, at 100 Centre Street in Manhattan, Police Officer Guo Chu restricted § 87(2)(b) breathing.

Allegation (Q) Force: On March 23, 2022, at § 87(2)(b) in Manhattan, an officer used physical force against § 87(2)(b)

§ 87(2)(b) said that when officers took her to Manhattan Central Booking, they lost her evaluation papers and had to wait for them to be faxed over (06 Board Review). While waiting, § 87(2)(b) took a few steps and an officer grabbed § 87(2)(b) by her neck, pushed her into a seat and handcuffed § 87(2)(b) to the seat. The officers then took § 87(2)(b) to § 87(2)(b) where she received a second psychiatric evaluation. As § 87(2)(b) walked around at the hospital, an officer grabbed § 87(2)(b) by the arm and swung her, causing her to hit her head onto a seat.

PO Chu testified that he and PO Sanchez transported a male prisoner to Central Booking with § 87(2)(b) (22 Board Review). When they arrived, PO Sanchez went to process the male, while § 87(2)(b) sat and waited with PO Chu. At some point, § 87(2)(b) asked PO Chu to remove her ankle shackles and he refused to do so. § 87(2)(b) stood up, told PO Chu that she would spit on him and approached him. To avoid being spat on, PO Chu extended his open palm to the front of his body and contacted § 87(2)(b) upper chest area. He did not apply any pressure and § 87(2)(b) body stopped moving. § 87(2)(b) told PO Chu that he choked her, two to three times, and PO Chu told her that he did not but instead was preventing her from spitting on him. PO Chu did not grab § 87(2)(b) by her neck, push her into the seat and did not remember if he handcuffed her to the seat. Since § 87(2)(b) was not behaving, the supervisor at central booking said that she could not stay there. Approximately five to ten minutes later, PO Sanchez returned. As per procedure, they transported § 87(2)(b) to § 87(2)(b). He denied grabbing § 87(2)(b) arm, swinging her and causing her head to hit the seat and he did not see any other officer do this. No additional officers responded to the hospital. They later transported her back to the stationhouse.

PO Sanchez said that when he returned from processing the male, § 87(2)(b) said that PO Chu choked her, but he did not see or hear what happened when he left with the male prisoner (23 Board Review). PO Sanchez also denied grabbing § 87(2)(b) arm, swinging her, and causing her head to hit the seat and he did not see any other officer do this.

§ 87(2)(b) alleged that while she was at Manhattan Central Booking, PO Chu grabbed her by her neck and pushed her into a seat, but PO Chu denied this, and PO Sanchez was not there to witness this. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) said that while she was at § 87(2)(b) an officer grabbed her by the arm and swung her, causing her to hit her head onto a seat. PO Sanchez and PO Chu denied doing this and did not see any other officer do this. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint in which § 87(2)(b) has been a party (28 Board Review):
- Sgt. Cody has been a member of service for nine years and has been subject to three other CCRB cases and six other allegations, none of which were substantiated. § 87(2)(g)
- PO Chu has been a member of service for seven years and has been a subject in two other CCRB complaints and eight allegations, none of which were substantiated.
 - Case 201809659 involves an allegation of physical force pled against Sgt Cody, which was closed as § 87(2)(g)

- Case 201903893 involves an allegation of physical force pled against PO Chu, which was closed as complainant uncooperative.
- PO Arustamyan has been a member of service for three years and this is the first complaint to which he is a subject.
- Sgt. Beaume has been a member of service for nineteen years and has been subject to three other CCRB cases and four other allegations, none of which were substantiated.
 - Case 201412139 involved an allegation of offensive language which was closed as complainant uncooperative.
- PO Willis has been a member of service for five years and this is the first case to which she has been a subject.
- PO Henry has been a member of service for 16 years and has been subject to four other cases and nine other allegations. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- As of April 11, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**29 Board Review**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 06

Investigator: <u>Tileyah Williams</u>	<u>SI Tileyah Williams</u>	<u>05/08/2023</u>
Signature	Print	Date
Squad Leader: <u>IM Jessica Peña</u>	<u>IM Jessica Peña</u>	<u>5/9/2023</u>
Title/Signature	Print	Date